

AMENDMENT TO CLAIMS

- Claim 1 (Withdrawn) A method for predicting a response to an epidermal growth factor receptor-directed therapy in a human subject, the method comprising the step of assaying a tumor sample from the human subject before therapy with one or a plurality of reagents that detect expression and/or activation of predictive biomarkers for cancer; and determining a pattern of expression and/or activation of at least two of said predictive biomarkers, wherein the pattern predicts the human subject's response to epidermal growth factor receptor-directed therapy.
- Claim 2 (Withdrawn) The method of claim 1, wherein the predictive biomarker is a growth factor receptors, or a growth factor receptor-related downstream signaling molecules.
- Claim 3 (Withdrawn) The method of claim 2, wherein the growth factor receptor is HER1 (EGFR), pHER1, HER2/neu, and HER3.
- Claim 4 (Withdrawn) The method of claim 2, wherein the growth factor receptor-related downstream signaling molecules comprise pERK.
- Claim 5 (Withdrawn) The method of claim 2, wherein the growth factor receptors is HER1 (EGFR), pHER1, HER2/neu, HER3, or any combination thereof, and the growth factor receptor-related downstream signaling molecules is pERK.
- Claim 6 (Withdrawn) The method of claim 1, where in the predictive biomarkers are HER1 (EGFR) and HER3.
- Claim 7 (Withdrawn) The method of claim 6, wherein when HER1 (EGFR) is undetectable is predictive of the human subject not responding to the epidermal growth factor receptor-directed therapy.

- Claim 8 (Withdrawn) The method of claim 6, wherein when HER3 is undetectable is predictive of the human subject responding to the epidermal growth factor receptor-directed therapy.
- Claim 9 (Withdrawn) The method of claim 1, where in the predictive biomarkers are HER1 (EGFR) and pERK.
- Claim 10 (Withdrawn) The method of claim 1, where in the predictive biomarkers are pERK and HER3.
- Claim 11 (Withdrawn) The method of claim 1, where in the predictive biomarkers are HER1 (EGFR), HER3, and pERK.
- Claim 12 (Withdrawn) A kit for determining a response to an epidermal growth factor receptor-directed therapy in a subject comprising at least two reagents that detect expression and/or activation of predictive biomarkers for cancer.
- Claim 13 (Withdrawn) The kit of claim 12, wherein said kit comprises at least three reagents that detect expression and/or activation of predictive biomarkers for cancer.
- Claim 14 (Withdrawn) The kit of claim 12, where the predictive biomarkers are HER1, HER3, pERK, or any combination thereof.
- Claim 15 (Withdrawn) The kit of claim 13, where the predictive biomarkers are HER1, HER3, pERK, or any combination thereof.
- Claim 16 (Withdrawn) A method for predicting a response to a cancer therapy in a human subject, the method comprising the step of assaying a cell or tissue sample from the human subject before therapy with one or a plurality of reagents that detect expression and/or activation of predictive biomarkers for cancer, wherein said predictive biomarkers consist of growth factor receptor ligands; and determining a pattern of

expression and/or activation of at least two of said predictive biomarkers, wherein the pattern predicts the human subject's response to the cancer therapy.

Claim 17 (Withdrawn) The method of claim 16, wherein the growth factor receptors are HER1 (EGFR), pHER1, HER2/neu, HER3, or any combination thereof.

Claim 18 (Withdrawn) The method of claim 17, wherein the cancer therapy is an epidermal growth factor receptor-directed therapy.

Claim 19 (Withdrawn) The method of claim 18, wherein the cancer therapy is an anti-EGFR antibody.

Claim 20 (Withdrawn) The method of claim 21, wherein the antibody is ABX-0303.

Claim 21 (Withdrawn) A method of selecting a subject with cancer for treatment with a molecule targeting the epidermal growth factor receptor (EGFR), comprising determining the level of expression of HER3 in a cell or tissue sample from the subject, wherein if the level of HER3 expression is low in the cells, the subject is selected.

Claim 22 (Withdrawn) The method of claim 21, wherein the molecule is an anti-EGFR antibody.

Claim 23 (Withdrawn) The method of claim 22, wherein the antibody is ABX-0303.

Claim 24 (Withdrawn) The method of claim 21, wherein the determining step further comprises determining expression of one or more of HER1 (EGFR), pHER1, HER2/neu, and, pERK.

Claim 25 (Withdrawn) A method of predicting the likely response rate to a molecule targeting epidermal growth factor receptor (EGFR) of a subject having a cancer that overexpresses EGFR, comprising the step of determining the level of expression of HER3 in the cell or

tissue sample from the subject, wherein if the level of HER3 expression is low in the cells, the subject is likely to respond to the molecule targeting EGFR.

Claim 26 (Withdrawn) The method of claim 25, wherein the molecule is an anti-EGFR antibody.

Claim 27 (Withdrawn) The method of claim 26, wherein the antibody is ABX-0303.

Claim 28 (Withdrawn) The method of claim 25, wherein the determining step further comprises determining expression of one or more of HER1 (EGFR), pHER1, HER2/neu, and pERK.

Claim 29 (Currently Amended) A method of treating a subject with cancer comprising cells that express EGFR, comprising assaying a cell or tissue sample from the subject to detect an expression level for HER3 in cells from the cancer, and treating the subject with ~~an~~ anti-EGFR antibody ABX-0303 when the detected HER3 expression level has an optical density less than 10⁻⁹ when the assay is quantitative immunohistochemistry as measured using the VMSI "I-View" detection kit and the TUNELTM assay, and wherein the method further comprises assaying a cell or tissue sample from the subject to detect an expression level for one or more of HER1 (EGFR), pHER1, HER2/neu, and pERK in cells from the cancer.

Claims 30-32 (Canceled)

Claim 33 (Previously Presented) The method of claim 29, wherein the expression level of HER3 in cells from the cancer is too low to be detected by the assay.

Claim 34 (Cancelled)

Claim 35 (Withdrawn) A method of selecting a subject with cancer for treatment with a molecule targeting the epidermal growth factor receptor (EGFR), the method comprising:

- a) determining the expression and/or activation profile of two or more growth factor receptors in cells and/or tissues of the subject; and
- b) selecting the subject based on the expression and/or activation profile.

Claim 36 (Withdrawn) The method of claim 35, wherein the molecule is an anti-EGFR antibody.

Claim 37 (Withdrawn) The method of claim 36, wherein the antibody is ABX-0303.

Claim 38 (Withdrawn) The method of claim 37, wherein the growth factor receptors comprise one or more of HER1 (EGFR), pHER1, HER2/neu, and HER3.